

## REMARKS

Reconsideration of this application is respectfully requested.

Claim 1 has been amended to include the limitations of original claim 2. Claim 2 has been canceled.

Claim 3 has been amended to make it dependent from claim 1.

Claim 4 has been canceled since its limitations are generally included in claim 3.

Claims 5, 6, 8 - 12 and 23 remain as originally presented.

Independent claim 34 remains as previously presented.

Claim 35 has been amended to specify that the aperture receives a spike.

Claim 36 has been canceled.

The newly cited art has been carefully considered and it is respectfully submitted that the claims remaining in the application clearly define over the art of record.

In the first place, there is no similarity between a metal apparatus designed to support an electrical fixture from a ceiling and apparatus for holding conduits in a trench. The metal apparatus of the Cogdill patent is designed to extend between a pair of ceiling joists, not in a trench. A pair of ceiling joists and a gypsum board ceiling are not the equivalent of a trench in any way, size, shape, or form. A ceiling joist is typically a board of a nominal two inches wide and six, eight, or ten inches high dimensions. The nominal two inch width is only one and a half inches wide. The points 16 and 16a appear to be not over one half inch in length and are triangular shape. They would not

in any circumstance hold an end plate to the wall of a trench. Moreover, as is well known and understood, the triangular points are not the basic holding elements for the apparatus. Joist hanging nails are pounded into the joists through the holes or apertures 28 and 28a. It is the joist hanging nails that are the structural support for the apparatus. Neither the points nor the joist hanging nails are the equivalent structure of the spikes or louvers of the present invention.

Now, independent claim 1 recites four elements, including a center bridge disposed over conduits in a trench, a pair of end plates disposed against the sides of the trench, a boss on each end plate for receiving the center bridge, and means for securing the end plates to the sides of the trench. Again, the half inch points do not comprise “means for securing the end plates to the sides of the trench.” Even joist hanging nails cannot secure the end plates to the sides of a trench. Nor can the combination of half inch points and joist hanging nails cannot secure the end plates to the sides of a trench. Moreover, both the points and the joist hanging nails go straight in, and not at an angle either upwardly or downwardly relative to the end brackets 26, 26a of the Cogdill apparatus.

The Cogdill apparatus is simply designed for an entirely different purpose than the apparatus of the present invention. Claim 1 is accordingly deemed allowable.

Dependent claim 3 specifies that the means for securing the end plates to the sides of the trench comprises a plurality of barbs extending upwardly and outwardly, and claim

5 specifies that the barbs are in the configuration of louvers. Cogdill has nothing remotely comparable to this structure. Obviously, there is no comparable structure in Cogdill because it is designed for a completely different purpose than the present invention.

It is noted that the Examiner objects to the term “louver” as not being definite. However, the term “louver” is defined in the specification and is clearly shown in the drawing as comprising a plurality of generally parallel rectangular plates. Such configuration is generally widely accepted and understood. Please refer to Figs. 1, 2, 3, 4, 5, 10, 12, 14, 15, 16, and 17, and to paragraphs 0018, 0022, and others. However, if the Examiner would prefer another term, the undersigned attorney would appreciate a telephone call regarding such preferred term.

Independent claim 34 defines only the end plate structure. The end plate includes three elements, namely an end plate, a boss extending outwardly for receiving a bridge, and means for securing the end plate to the wall of a trench.

The above discussion relative to the Cogdill patent is pertinent for claim 34 as well as to claim 1. Nothing in Cogdill includes structure for securing an end plate to the wall of a trench.

The Solbjorg patent is combined with the Cogdill patent, but such combination still does not present the structure of the present invention when the Solbjorg patent is fully understood. In the first place, there is nothing to suggest that an electrical hanger

may be combined with a casting mould for embedded pipes! And that is just what the Solbjorg patent is - a casting mould. That is, the wall plates 8 are mould plates for holding concrete as the concrete is poured into the trench. This is a far different structure than mere end plates.

The elements 8 are not end plates disposed against the sides of a trench.

The elements 18 are not barbs for securing the mould plates 8 to the sides of a trench. Rather, the elements 18 are elements for receiving fasteners 19, as best shown in Fig. 7. That is, the base elements are used both below and above conduits, and the upper base element is secured to the lower base element by the fastener 19 clipped to the elements 18.

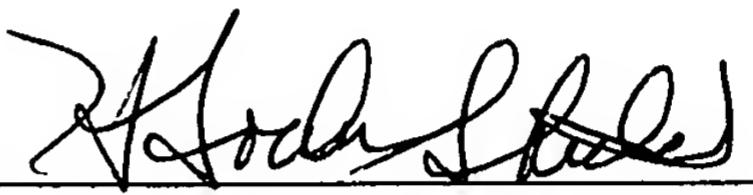
It is accordingly respectfully submitted that the Solbjorg apparatus is completely inapposite to the present structure.

For the reasons given above, it is respectfully submitted that the claims remaining in this application define over the art of record and are allowable. An indication of such allowability is respectfully urged. If the Examiner would prefer other language,

however, the undersigned would appreciate a telephone call to expedite the prosecution of the application.

Respectfully submitted,

DANIEL D. EVANS, Applicant

By   
H. Gordon Shields,  
Attorney of Record

HGS:sf  
Enclosures  
Phoenix, Arizona  
(602) 997-4979